

6/23/08

Case: 3:08cv685

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Philip Bautista
1501 Front Street
#035,409
San Diego, CA 92101

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Message-Id:<2665015@casd.uscourts.gov>Subject:Activity in Case 3:08-cv-00685-LAB-LSP Bautista v.
Bank Of America et al Order Dismissing Case Content-Type: text/html

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U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 6/18/2008 at 11:32 AM PDT and filed on 6/18/2008

Case Name: Bautista v. Bank Of America et al

Case Number: 3:08-cv-685

Filer:

WARNING: CASE CLOSED on 06/18/2008

Document Number: 9

Docket Text:

ORDER of Dismissal: This action is dismissed without prejudice. The pending motion to dismiss brought by Defendant Old Republic Equity Credit Services is denied as moot. Signed by Judge Larry Alan Burns on 6/18/08. (All non-registered users served via U.S. Mail Service).(pdc)

3:08-cv-685 Notice has been electronically mailed to:

Andrew B Serwin aserwin@foley.com, nmansfield@foley.com

3:08-cv-685 Notice has been delivered by other means to:

Philip Bautista

1501 Front Street

#409

San Diego, CA 92101

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

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[STAMP dcecfStamp_ID=1106146653 [Date=6/18/2008] [FileNumber=2665013-0
] [ab3163ad791e4ff75ee1faf4156da0d6f3f314ad2da42133da6edbb02f9d02e6677
0cbd5cea19f2ec92be8101a679935733ad97307123726ebac0fc8201a075f]]

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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 PHILIP BAUTISTA,

12 Plaintiff,

13 vs.

14 BANK OF AMERICA & OLD REPUBLIC
15 EQUITY CREDIT SERVICES,

16 Defendants.

CASE NO. 08CV0685-LAB (LSP)

ORDER OF DISMISSAL

17 By an order entered May 23, 2008, the Court ordered Plaintiff to show cause why this
18 action should not be dismissed for failure to invoke the Court's jurisdiction. Plaintiff was
19 ordered to show cause no later than 21 calendar days from the date the order was issued,
20 and was warned that if he failed to show cause as ordered, this action would be dismissed
21 without further notice to him. Plaintiff filed no response within the time permitted, nor did he
22 attempt to show cause in any other way.

23 On June 16, 2008, mail sent to Plaintiff was returned as undeliverable. Apparently,
24 Plaintiff failed to keep the Court advised as to his current address, in violation of Civil Local
25 Rule 83.11(b). Plaintiff's failure to comply with applicable rules does not, however, excuse
26 his failure to respond as ordered. See, e.g., *Derden v. Maricopa County*, 2008 WL 740315,
27 slip op. (D.Ariz., March 12, 2008) (denying plaintiff's motion to reconsider dismissal where


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1 plaintiff apparently failed to reply to motion to dismiss because she failed to provide the court
2 with an accurate address as required under local rules).

3 For reasons set forth in the Court's order of May 23, 2008, this action is therefore
4 **DISMISSED WITHOUT PREJUDICE**. The pending motion to dismiss brought by Defendant
5 Old Republic Equity Credit Services is **DENIED AS MOOT**.

6 **IT IS SO ORDERED.**

7 DATED: June 18, 2008

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9 **HONORABLE LARRY ALAN BURNS**
10 United States District Judge
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

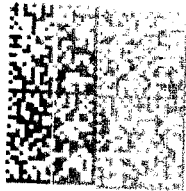
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SAN DIEGO, CALIFORNIA 92101-8900

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Philip Bautista
1501 Front Street
#409
San Diego, CA 92101

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